

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
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DERECK JACKSON,
petitioner

v.

UNITED STATES OF AMERICA,
respondent
----- X

FILED
IN CLERKS OFFICE
CIVIL No. 2005-12401-RCL
APR -1 P 12:32
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(JUDGE REGINALD C. MANDSAY)

PETITIONER'S MOTION FOR
SECOND ENLARGEMENT OF TIME

Pursuant to Fed.R.Civ.P. 6(b), petitioner, Dereck Jackson, pro se, requests that this Honorable Court grant a sixty day (60) enlargement of time in which to file his response and traverse to the Government's Opposition to petitioner's motion to vacate, set aside, or correct sentence. As grounds therefor, petitioner submits his affidavit.

Petitioner requests an enlargement of time of sixty days or up to and including April 28, 2005. The current deadline for filing traverse to Government's Opposition has passed without the petitioner being aware, because of circumstances with the Prison mail not delivering his notice from the Court Granting and Ordering the enlargement of time motion that he had filed in December. These facts are more fully laid out in petitioner's Affidavit.

Wherefor petitioner respectfully requests an enlargement of time of sixty days (60) or up to and including April 28, 2005, in which to respond and traverse Government's Opposition to his U.S.C. § 2255 motion.

Date: March 23, 2005.

Respectfully submitted,

Dereck Jackson

Dereck Jackson 24039-038

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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DERECK JACKSON,
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CIVIL No. 04-12401-RCL

(JUDGE REGINALD C. LINDSAY)

FILED
CLERKS OFFICE
2005 APR -1 P 12:30
U.S. DISTRICT COURT
DISTRICT OF MASS.

PETITIONER'S AFFIDAVIT IN
SUPPORT OF MOTION FOR
SECOND ENLARGEMENT OF TIME

1. I am the petitioner, Dereck Jackson, in the above entitled civil action. I am currently incarcerated at United States Penitentiary, Lewisburg, Pennsylvania.

2. On November 9, 2004, the Court docketed my U.S.C. § 2255 motion, in which I raised claims on Blakely, and challenged my being enhanced as a career offender, as well as a claim of ineffective assistance of counsel.

3. On December 20, 2004, Government Attorney, A.U.S.A. Timothy Q. Feeley, responded to my § 2255 motion with opposition.

4. On December 30, 2004, (approximate), I filed a motion for enlargement of time of ninety days (90) or up to and including March 31, 2005, in which to respond to the Government's Opposition.

5. After not receiving a reply to my motion for enlargement of time for over five weeks, I wrote a letter to the Clerk of Courts in U.S. District Court, Massachusetts, requesting docket entries on my civil case entitled above.

6. On March 16, 2005, I received the docket entries sheet from this civil case.

7. The docket entry sheet in this case indicates that on February 8, 2005, U.S.P. Lewisburg returned the Judge's Order Granting an enlargement of time of sixty days (60), or up to and including February 28, 2005.

8. The docket entry sheet shows that this Judicial Order was returned as " undeliverable " to the Court on February 8, 2005.

9. I did not receive any notice of this Honorable Court's Judicial Order, enlarging time in which to traverse to Government's Opposition.

9. I received no mail from the United States District Court, District of Massachusetts, concerning the Granting and Ordering of my Enlargement of Time motion.

10. If not for the docket entry sheet that I received on March 16, 2005, I would not have been aware that the Court Granted my motion for enlargement of time, I was working on the assumption that this Court had not yet ruled on my motion for enlargement of time, and that since I was a pro se litigant the Court would grant me the ninety days in which to respond and traverse.

11. I have filed an inmate grievance with the mail room Officer, Staff member Mr. Booth, here at U.S.P. Lewisburg, attempting to find out how and why this mail from the Court was returned as " Undeliverable ".

12. On February 28, 2005, a serious outbreak of violence at the prison caused the Administration here at U.S.P. Lewisburg, to " Lock down " the facility. The entire population was locked down twenty four hours per day for several days as a result.

13. Since the lifting of the Administrative lockdown, there have been several more outbreaks of violence here at the Penitentiary, which have resulted in the institution being " frozen-up ", with no inmate movement allowed.

14. As a result of these events, I have lost necessary time in preparing my traverse to the Government's Opposition to my § 2255 Motion.

15. Also recently the Supreme Court has made rulings in Sheperd, a first circuit case, and other first circuit cases that deal with plain error review post Booker, the very issue that I am arguing on my § 2255 Motion. I also request this enlargement of time to properly investigate these cases, so as to find out if they apply to me.

16. I am a pro se litigant, with no formal training in the Law. There are a limited number of typewriters available to inmates in the Law Library at U.S.P. Lewisburg. The hours that I am able to use the law library is limited to a few hours per week. I am trying to the best of my ability to properly traverse the Government's Opposition, and require this enlargement of time in order to do so.

17. Signed this 23, day of March, 2005, under the pains and penalties of perjury Dereck Jackson Dereck Jackson 24039-038.

CERTIFICATE OF SERVICE

I Dereck Jackson, pro se, do hereby certify that on this 23 day of March, 2005, I did cause to be served one true and correct copy of the foregoing: Petitioner's Motion For Second Enlargement Of Time, along with Petitioner's Affidavit in Support thereof, on the below named, by placing same in the U.S. mail receptacle at U.S.P. Lewisburg, First Class postage affixed.

Timothy Q. Feeley
United States Attorney's Office
1 Courthouse Way
Suite 9200
Boston, MA 02210

Dereck Jackson
Dereck Jackson 24039-038
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837